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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 8 February 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

The ongoing armed conflict between Armenia and Azerbaijan has resulted in the occupation of almost one-fifth of the territory of Azerbaijan and made approximately one out of every eight persons in the country internally displaced or a refugee. The most serious international offences, such as war crimes, crimes against humanity and genocide, were committed in the course of the conflict.

In February 1992, an unprecedented massacre was committed against the Azerbaijani population in the town of Khojaly. This bloody tragedy, which became known as the Khojaly genocide, involved the extermination or capture of thousands of Azerbaijanis; the town was razed to the ground.

On the night of 25 and 26 February 1992, the Armenian armed forces, with the help of the infantry guards regiment No. 366 of the former Union of Soviet Socialist Republics, the personnel of which was composed mainly of Armenians, implemented the seizure of Khojaly. The inhabitants of Khojaly who remained in the town before the tragic night tried to leave their houses after the beginning of the assault in the hope to find a way to the nearest place populated by Azerbaijanis. But those plans failed. Invaders destroyed Khojaly and with particular brutality implemented carnage over its peaceful population. As a result, 613 civilians were killed, including 106 women, 63 children and 70 elderly. Another 1,000 people were wounded and 1,275 taken hostage. To this day, 150 people from Khojaly remain missing.

As news and accounts of the atrocity surfaced, the level of brutality was revealed: atrocities by Armenian troops included scalping, beheading, bayoneting of pregnant women and mutilation of bodies. Even children were not spared.

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Armenian officials deny their responsibility for the crimes committed during the conflict, including against the population of Khojaly, airily falsifying facts and sharing their own interpretations of them, which deviate not only from reality but also from elementary logic. Nevertheless, even the subtlest propaganda will never manage to disprove the facts that speak of a situation diametrically opposite to that represented by the Armenian side.

Apart from the considerable information in possession of the law enforcement agencies of the Republic of Azerbaijan, the responsibility of Armenia is documented also by numerous independent sources and eyewitnesses of this tragedy.

Western media reported with horror the killing of the innocent residents of Khojaly by indiscriminate Armenian gunfire and other brutal acts by invading troops.

In his cynical admission of culpability, Armenia's then-Defense Minister and current President, Serzh Sargsyan, was quoted by the British journalist Thomas de Waal, as saying, "[b]efore Khojali, the Azerbaijanis thought that ... the Armenians were people who could not raise their hand against the civilian population. We were able to break that [stereotype]" (Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London, New York University Press, 2003), p. 172)).

Author Markar Melkonian would later describe in his book how some residents of Khojaly had nearly reached safety after fleeing almost six miles but "[Armenian] soldiers chased them down". The soldiers, he continues, "then unsheathed the knives they had carried on their hips for so long, and began stabbing" (*My Brother's Road: An American's Fateful Journey to Armenia* (London and New York, I. B. Tauris, 2005), pp. 213-214).

The facts mentioned above confirm that the intentional slaughter of the Kojaly town civilians on 25 and 26 February 1992, including children, elderly and women, was directed at their mass extermination only because they were Azerbaijanis. The Khojaly town was chosen as a stage for further occupation and ethnic cleansing of Azerbaijani territories, striking terror into the hearts of people and creating panic and fear before the horrifying massacre.

The genocide in Khojaly, along with other grave offences committed during the conflict between Armenia and Azerbaijan, entail the State responsibility of Armenia and the individual criminal responsibility of those who participated in said acts and their accomplices and accessories.

There can be no long-term and sustainable peace without justice. This requires consistent commitment by States towards their obligations to prosecute those responsible for breaches of international humanitarian law or international human rights law. In cases when such breaches constitute war crimes or crimes against humanity, or even genocide, for which universal jurisdiction is provided with regard to alleged offenders, it is important that pursuit of individuals is undertaken through either the domestic legal system of involved and third-party States or relevant international criminal institutions, as appropriate, while State responsibility is enforced through existing inter-State mechanisms.

Ending impunity is essential not only for the purposes of individual criminal responsibility for serious crimes, but also for peace, truth, reconciliation and the rights of the victims.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 14 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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General Assembly

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Sixty-fourth session
Agenda item 146
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Updated financial position of closed peacekeeping missions as at 30 June 2009

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the updated financial position of closed peacekeeping missions as at 30 June 2009 (A/64/605). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Secretary-General indicates in his report that a net cash balance in the amount of $213,843,000 remained in the accounts of 17 closed peacekeeping missions as at 30 June 2009. That amount does not include loans in the amount of $28,816,000 owed by two closed peacekeeping missions ($7,366,000 by the United Nations Support Mission in Haiti/United Nations Transition Mission in Haiti/United Nations Civilian Police Mission in Haiti and $3,450,000 by the United Nations Mission in the Central African Republic and Chad (MINURCAT)) and by two active missions ($16 million by the United Nations Mission for the Referendum in Western Sahara (MINURSO) and $2 million by the United Nations Observer Mission in Georgia (UNOMIG)), which remained unpaid as at 30 June 2009. Of the 17 closed peacekeeping missions, 5 had cash deficits totalling $86,648,000 as at the same date, owing to outstanding payments of assessed contributions (see A/64/605, table 3).

3. According to the Secretary-General, there is a continuing need to borrow from closed missions as a result of the high level of outstanding assessments in the special accounts of some active missions. **The Advisory Committee regrets that a lack of liquidity at times leads to the borrowing of funds for active peacekeeping missions from closed missions.**

4. According to the Secretary-General, cross-borrowing for the 2008/09 period amounted to $164 million for eight active peacekeeping missions (MINURSO, the United Nations Stabilization Mission in Haiti, the United Nations Peacekeeping

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Force in Cyprus, the United Nations Interim Administration Mission in Kosovo, the United Nations Mission in Liberia, the United Nations Integrated Mission in Timor-Leste (UNMIT), the United Nations Operation in Côte d'Ivoire and UNOMIG). For the 2009/10 period, as at 15 December 2009, total cross-borrowing amounted to $13.5 million for two active missions (MINURSO and UNOMIG). Subsequent to the consideration of the report of the Secretary-General, the Advisory Committee was informed that, since 15 December, an additional amount of $22.5 million was required for cross-borrowing from the accounts of closed peacekeeping operations for two active missions (MINURSO and UNMIT), thereby bringing the total loans from closed peacekeeping operations to active missions to $36 million as at 3 February 2010, comprising $30 million in new loans made between 1 July 2009 and 3 February 2010 and $6 million in loans made during the 2008/09 financial period that had not yet been repaid. The Committee notes that there have been reduced requirements for cross-borrowing to date during the period 2009/10 as compared to the preceding period. **The Committee requests that the most recent update of the amount of cross-borrowed funds for the period 2009/10, as well as information on the historic pattern of cross-borrowing, be provided to the General Assembly at the time of its consideration of the report of the Secretary-General.**

5. The Advisory Committee recalls paragraph 4 of General Assembly resolution 48/242, in which the Assembly expressed its appreciation for the decision of the Government of Kuwait to defray two thirds of the cost of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), effective 1 November 1993. The Committee further recalls that the current arrangement of returning two thirds of the unencumbered balances to the Government of Kuwait and one third to Member States has been applied with effect from 1 November 1993 (see also A/60/788, para. 5). **In the light of General Assembly resolution 48/242 and with regard to the Secretary-General's present proposal to return an amount of $291,000, reflecting two thirds of the adjusted net credits available in the account of UNIKOM, to the Government of Kuwait, the Advisory Committee recommends that such funds, in future, be returned without the need for such requests.**

6. The Advisory Committee points out that financial regulation 5.3 of the Financial Regulations and Rules of the United Nations provides that

> Appropriations shall remain available for twelve months following the end of the financial period to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial period and to liquidate any other outstanding legal obligation of the financial period. The balance of the appropriations shall be surrendered.

The Secretary-General proposes, however, to approve the retention of the cash balance of $213,551,100 available in 17 closed peacekeeping missions in the light of experience with regard to cash requirements of the Organization during the 2008/09 and 2009/10 financial periods. **In this context, the Advisory Committee considers that it is a policy matter for the General Assembly to decide on the disposition of such balances. It is noted that the Assembly has taken a number of decisions in that regard, including in its resolution 57/323.**